

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: KAYANO=1

#11
Linda
4/21/03

In re Application of:)	Art Unit: 1645
Tohru KAYANO et al)	Examiner: S. Devi
Appln. No.: 09/711,896)	Washington, D.C.
Date Filed: November 15, 2000)	Confirmation No. 8185
For: ANTIBODY SPECIFIC TO)	April 16, 2003
INTERLEUKIN 18 PRECURSOR)	

RECEIVED
APR 18 2003
TECH CENTER 1600/2900

REPLY TO RESTRICTION/ELECTION REQUIREMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants are in receipt of Paper No. 10, an Office Action mailed March 17, 2003, which is purportedly a restriction requirement, but which actually appears to be an election of species requirement listing what applicants would call seven (7) species.

As applicants are required to make an election, even though they traverse the requirement, applicants hereby respectfully and provisionally elect what is identified as Group I, with traverse and without prejudice. The claims which read on elected Group I are specific claim 5 and generic claims 1-4, 6-9 and 24-26.

Applicants traverse the requirement on the basis of the second paragraph of MPEP §803 which **requires** the PTO to examine plural inventions, even though the requirement may be 100% correct, if it would not constitute a "serious burden" to

do so. It should be abundantly clear that at least several of the designated species are sufficiently similar so that a search and examination of these additional species along with the search and examination of the closely similar elected species I would not constitute a serious burden. Thus, applicants respectfully submit that what is characterized as the seven patentably distinct inventions set forth in the Office Action are so closely related as to be able to be examined in a single application without imposing an undue burden on the examiner.


On the other hand, it should be understood that requiring the applicants to file an additional six (6) patent applications, providing a total of seven patent applications, would constitute a very serious burden on the applicants.

Applicants respectfully request favorable reconsideration, and at least a partial withdrawal of the requirement whereby plural groups are examined. Applicants respectfully await the results of a first examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By


Sheridan Neimark
Registration No. 20,520

SN:jaa
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\S\SUMA\Kayano 1\PTO\Restrict reply ap03.doc